

Attorney Docket # 3415-11

Serial No. 09/587,201
Amdt. dated 27 June 2003
Reply to Office Action dated 5 June 2003

REMARKS

The elected claims of the present application, Claims 1-47, are directed to methods of distributing groceries. Species A, B, and C, as represented by FIGS. 3, 5A, and 8A of the present application, are a tote, a grocery box attached to a wall, and a means for securing a tote in a grocery box, respectively. None of a tote, grocery box, or a securing means can be a species of a method or a method step. Therefore, none of Species A, B, or C can be considered a species of the invention claimed in elected Claims 1-47, which recite methods.

Furthermore, there is no genus which could comprise Species A, B, and C, except perhaps a genus of "objects used in the inventive method claimed in Claims 1-47". The tote shown in FIG. 3 (Species A) is an example of a tote which can be used for transporting groceries in the inventive method. The grocery box in FIG. 5A (Species B) is an example of a grocery box which can be used to receive and store a tote (such as the tote in FIG. 3) at a delivery destination in the inventive method. The bag in FIG. 8A (Species C) is an example of a means for securing a tote (such as the tote in FIG. 3) in a grocery box (such as the grocery box in FIG. 5A) which can be used in the inventive method. These are not different species, but different objects which are designed for different purposes, all of which can be used in the inventive method claimed by the elected claims.

As an analogy, consider an inventive shoe which includes a shoestring, eyelets for threading the shoestring, and a tongue flap under the threaded shoestring: these three elements are not "species" of the claimed inventive shoe, but rather elements thereof. Because the elected claims in the present application are method claims, a better analogy would be an inventive method for walking which may use a shoe having a shoestring, eyelets, and a tongue flap. Would any of the shoestring, eyelets, or tongue flap be considered species of the inventive method for walking?

In summary, the Election of Species is traversed because 1) a tote, a grocery box, and a securing bag can not be species of a method or method step; and 2) the tote in FIG. 3, the grocery box of FIG. 5A, and the securing bag of FIG. 8A are not different species of a single genus, but different objects used for different purposes.

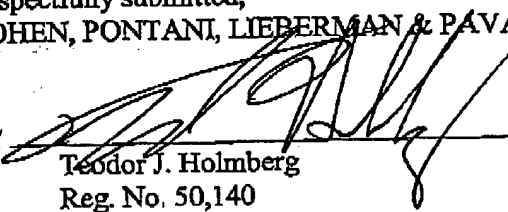
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It is believed that no fees are due at this time; however, if any fees or charges are required at this time in connection with the application, these fees or charges may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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